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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,976	04/13/2004	Stephen Saylor	1104-063	5330
74548 7590 07/07/2010 FlashPoint Technology and Withrow & Terranova 100 Regency Forest Drive Suite 160 Cary, NC 27518				
EXAMINER				
VIG, NARESH				
ART UNIT		PAPER NUMBER		
3629				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/823,976

**Applicant(s)**

SAYLOR ET AL.

**Examiner**

NARESH VIG

**Art Unit**

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in reference to communication received 23 December 2009. Cancellation of all previously cancelled claims and addition of new claims 26 – 45 is acknowledged. Claims 26 – 45 are pending for examination.

### ***Response to Arguments***

Applicant's arguments and concerns are for newly added claims which have been responded to in response to the pending newly added claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 26 – 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright Jr. US Patent 5,704,029 in view of Tsunoda US Patent 7,466,347.**

Regarding claims 26, 33 and 40, Wright teaches capability and concept to automate and simplify the process of creating and accurately, quickly, and completely

filling-in a business form (generating business document) to automate and simplify the process [Wright, col. 3, lines 8 – 12]. Wright teaches using portable device. Wright does not explicitly recite that the portable device is an image capture device. However, Wright teaches that user can connect a camera to the portable device to capture image [Wright, col. 7, lines 27 – 32]. Tsunoda teaches capability and concept for using a portable digital camera (**i.e. portable image capture device**) to capture image and generate electronic document (**i.e. computing device integrated with a image capture device**) [Tsunoda, col. 1, lines 39 – 46, col. 2, lines 1 – 10].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Wright by adopting teachings of Tsunoda and make the camera integrated with the portable to make it a single device carried by a user, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results; known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Wright in view of Tsunoda teaches capability and concept of:

a method of collecting data for use in generating a document [Wright];

A memory which can store a first template identifier that identifies a first template that is not stored in the portable image capture device, and a first input identifier associated with the first template identifier wherein the first input identifier identifies a first location in the first template;

computer readable medium containing computer executable program instructions;

selecting, via a portable image capture device, a first template identifier stored in the portable image capture device, wherein the first template identifier identifies a first template that is not stored in the portable image capture device [Tsunoda, col. 28, lines 28 – 50];

obtaining, by the portable image capture device, a first input identifier associated with the first template identifier, wherein the first input identifier identifies a first location in the first template [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically];

based on the first input identifier, prompting, by the portable image capture device, a user to capture first data [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically]; and

storing, by the portable image capture device, the first data in the portable image capture device in association with the first input identifier [Wright, col. 7, lines 33 – 39].

Regarding claims 27, 34 and 41, Wright in view of Tsunoda teaches capability and concept of:

obtaining a second input identifier associated with the first template identifier, wherein the second input identifier identifies a second location in a second template [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically];

based on the second input identifier, prompting the user to capture second data [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically]; and

storing the second data in the portable image capture device in association with the second input identifier [Wright, col. 7, lines 33 – 39].

Regarding claims 28, 35, Wright in view of Tsunoda teaches capability and concept of:

communicating the first template identifier, the first data and the second data to a computer [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically];

integrating, by the computer, the first data into the first template at the first location [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically]; and

integrating the second data into the first template at the second location to generate the document [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically]

Regarding claims 29, 36 and 42, Wright in view of Tsunoda teaches capability and concept for a first textual prompt used by the portable image capture device to prompt the user to capture the first data [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically].

Regarding claims 30, 37 and 43, Wright in view of Tsunoda teaches capability and concept wherein the first data can comprise image data, and prompting the user to capture an image via the portable image capture device [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically], and wherein the second data can comprise textual data, and prompting the user to enter the textual data via the portable image capture device [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically].

Regarding claims 31, 38 and 44, Wright in view of Tsunoda teaches capability and concept wherein the first data can comprise first image data, and prompting the user to capture a first image via the portable image capture device [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically], and wherein the second data can comprise second image data, and prompting the user to capture a second image via the portable image capture device [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically].

Regarding claims 32, 39 and 45, Wright in view of Tsunoda teaches capability and concept for selecting, via the portable image capture device, the first template identifier from a plurality of template identifiers [Wright, col, 28, lines 39 – 40; used in any application in which data is collected procedurally or algorithmically].

***Conclusion***

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naresh Vig/  
Primary Examiner, Art Unit 3629